FLUVANNA COUNTY PLANNING COMMISSION

2026 BYLAWS AND RULES OF PRACTICE & PROCEDURES

Adopted
February 10, 2026

TABLE OF CONTENTS

SECTION	TOPIC	PAGE
I	Creation	3
II	Principal Address	3
III	Rules	3
IV	Construction	3
V	Definitions	3
VI	Commission Chair	5
VII	Commission Vice Chair	6
VIII	Commission Members	6
IX	Director of Planning	6
X	County Attorney	6
XI	Parliamentary Procedure	7
XII	Quorum for the Exercise of Commission Business	7
XIII	Meetings	7
XIV	Agenda Item Submission	8
XV	Agenda Preparation	9
XVI	Order of Business	10
XVII	Conduct of Business	10
XVIII	Order and Decorum	13
XIX	Motions	14
XX	Voting	15
XXI	Recording of Meetings	15
XXII	Ad Hoc Committees	16
XXIII	Policy for Remote Participation of Members of the Fluvanna County Planning Commission at Meetings of the Commission	16

Fluvanna County Planning Commission
BYLAWS AND RULES OF PRACTICE AND PROCEDURES

I. CREATION. The Fluvanna County Planning Commission, hereinafter called the "Commission", is an appointed body provided by the Code of Virginia, Section 15.2-2210, or as amended. The Commission consists of five (5) members, one (1) appointed from each election district and one (1) representative of the Board of Supervisors. The Board of Supervisors representative does not vote by directive of the Board of Supervisors.

II. PRINCIPAL ADDRESS. 132 Main Street, Palmyra, Virginia 22963; Mailing Address: P.O. Box 540, Palmyra, Virginia 22963.

III. RULES

A. These Bylaws and Rules of Practice and Procedures ("Rules") are adopted and shall apply to the Planning Commission of Fluvanna County. These Rules are intended to expedite transaction of the business of the Commission in an orderly fashion. The Bylaws and Rules are deemed to be procedural only. The failure strictly to observe application of the Rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. All meetings and business shall be conducted in accordance with these Rules, Robert's Rules of Order Newly Revised (12th Edition), and the law of Virginia. In the event of conflict, the law of Virginia shall govern. A decision of the Chair with respect to the interpretation, applicability, or enforcement of these Rules may be overruled by a majority vote of the members present and voting.

C. Except as otherwise provided by law, any rule of the Commission may be suspended temporarily, upon approval of the majority of the Commission members present and voting. The temporary suspension shall apply only to the matter under immediate consideration and, in no case, shall it extend beyond an adjournment.

D. No rule of the Commission shall be adopted or amended except by majority vote of the Commission.

IV. CONSTRUCTION. As used in these Rules, the masculine shall include the feminine and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not discretionary; the word "may" is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".

V. DEFINITIONS. As used in these Rules, the following terms are defined:

A. Action of Record. An action taken or decision made by the Commission recorded in the Minutes of the Meetings. Except as otherwise required by law, an Action of Record may take the following forms:

1. Motions and seconds with the recorded votes of the members.

2. Consensus agreement of the Commission without vote by the Commission.

3. Directive of the Chair in the exercise of that office during the conduct of an official meeting of the Commission.

B. Commission. The Fluvanna County Planning Commission.

C. County Code. The Code of Fluvanna County.

D. Directive. An exercise of discretionary authority granted to the Chair from the Commission empowering the Chair as follows:

1. To enforce the protocols of these Rules for the conduct of business and discourse before the Commission to ensure proper decorum, civility, fairness, and order.

2. To cause the removal of any person or persons without charge of civil or criminal offense for misconduct, disruption, or disturbance of a meeting of the Planning Commission consistent with adopted policies and procedures of the Commission.

3. To charge any person or persons with civil or criminal offenses pursuant to federal, state, or local laws for the misconduct, disruption, or disturbance of a meeting of the Commission.

E. Item of Business. A matter to be presented before the Commission at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

F. Meeting or Official Meeting. Any Annual Organizational, Regular, or Special Meeting of the Planning Commission. The following terms may also be used to further define and specify purposes for meetings. Meetings as defined herein are not exclusive of each other and may be concurrently conducted.

1. Joint Meeting: A Joint Meeting may be conducted simultaneously with one or more public bodies for the purpose of review, inquiry, and discussion of matters of mutual interest or in the interest of expedient disposition of public business matters. Action of record may be taken at said meeting, and a quorum of both the Commission and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.

2. Public Hearing: A public hearing shall be conducted at said meeting and the Commission may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Commission is required to Call to Order and conduct a Public Hearing.

3. Recessed Meeting: A meeting conducted at a date, place and time set by the Planning Commission as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

4. Rescheduled Meeting: A Rescheduled Meeting shall be for the purpose of conducting a meeting of the Commission where, by virtue of necessity or at the discretion of the Commission, the originally scheduled meeting cannot be conducted on its prescribed date or time or at its prescribed location pursuant to these Rules. Action of Record may be taken on any Item of Business presented at a Rescheduled Meeting, and a quorum of the Planning Commission is required to Call to Order and conduct a Rescheduled Meeting.

5. Work Session Meeting: A Work Session Meeting shall be for the purpose of in-depth review, inquiry, and discussion of specified Items of Business where Action of Record may be taken by the Commission. A quorum of the Commission is required to Call to Order and conduct said meeting. Work Session Meetings may also be called and scheduled for the purposes of presentations to the Planning Commission for educational and informational purposes.

G. Primary Motion. The first motion presented following informal discussion of any Item of Business at a Commission meeting.

H. Substitute Motion. A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Commission meeting.

I. Virginia Code. The 1950 Code of Virginia, as amended.

VI. COMMISSION CHAIR

A. At the first regular meeting of the year, the Commission selects one of its members to serve as Chair. The Chair is a voting member and serves for one (1) year, or until his successor shall be elected and qualify as such.

B. The Chair, when present, shall preside at all meetings of the Commission and shall take the Chair at the hour appointed for every Commission meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Commission in the manner prescribed by these Rules. The Chair shall preserve order and decorum and shall decide all questions of order.

C. Upon the death, resignation, or other permanent disability of the Chair to fulfill the duties of his office, the Commission shall elect a new Chair at its next regularly scheduled meeting or as soon thereafter as possible.

VII. COMMISSION VICE CHAIR

A. At the first regular meeting of the year, the Commission selects one of its members to serve as Vice Chair. The Vice Chair is a voting member and serves for one (1) year, or until his successor shall be elected and qualify as such.

B. In the absence, or inability to act, of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

VIII. COMMISSION MEMBERS

A. Notification of Absence. If any Commission member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Director of Planning as soon as possible to ensure there are sufficient members present and voting to consider all agenda items. The Director of Planning shall continue an agenda item if there will not be a sufficient number of Commission members present and voting at the meeting to approve the item.

B. Conflicts of Interest. At such times a Commission member may find himself with a conflict of interest as set forth in the Code of Virginia, Section 2.2-3100 et seq., the Commission member shall state the nature of the conflict of interest prior to an issue being heard and shall remove himself from the meeting. The member shall not vote or in any manner act on behalf of the Commission with respect to the issue for which a conflict has been declared, until such time as the issue has been decided. The member shall not attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the issue is discussed; and will not discuss the issue with other governmental officers or employees in their official capacity at any time.

C. By resolution adopted by the Fluvanna County Board of Supervisors on April 19, 1995, the Board of Supervisors requires all Fluvanna County Planning Commission members to attend at least one or more of the training courses provided by the Virginia Cooperative Extension, the Virginia Department of Housing and Community Development, the Virginia Citizens Planning Association, or Virginia Tech's Public Service Program within two years of their appointment.

IX. DIRECTOR OF PLANNING. The Director of Planning shall be Clerk to the Commission and his or her general duty is set forth in the Code of Virginia, Section 15.2-2217. He or she shall maintain an office at the same address as the Commission. The Director of Planning, or a designated representative, shall attend each meeting of the Commission and shall provide such information to the Commission as necessary to assist Commission members in their deliberations and decision making.

X. COUNTY ATTORNEY. The County Attorney shall perform the duties set forth in Code Section 15.2-1542. The County Attorney or designated representative shall attend each meeting of the Commission and shall serve as adviser to the Commission on issues of law relating to the

Commission's business. The County Attorney assists the Commission in analyzing the facts; provides advice and action in legal matters and represents the Commission in civil actions.

XI. PARLIAMENTARY PROCEDURE. The County Attorney or designated representative shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Practice and Procedures and Robert's Rules of Order as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Commission members. If the County Attorney or designated representative is unavailable, the Director of Planning shall serve as the Parliamentarian.

XII. QUORUM FOR THE EXERCISE OF COMMISSION BUSINESS. A majority of the Commission shall constitute a quorum in order to conduct Commission business. A vote of the majority of those present is necessary to take action on an issue.

XIII. MEETINGS

A. Regular Meeting Schedule

1. Meetings are held on the first Tuesday after the first Wednesday of the month at 7:00 p.m. in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced.

2. Meetings will adjourn/recess no later than 11:00 p.m.

3. The Commission, at its pleasure, may continue its meeting beyond the normal adjournment/recess time, by majority vote of the Commission members present and voting.

4. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside.

5. If neither the Chair nor the Vice Chair is present, the Director of Planning shall call the meeting to order and preside for the election of a temporary Chair.

B. Work Sessions Schedule. When needed, Work Sessions are held each month at 6:00 pm, prior to the 7:00 pm Regular Meeting, in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced. Other days/times may be scheduled by majority consent of the Commission.

C. Closed Meetings

1. Closed Meetings will be held as needed, but may only be convened in conformance with Section 2.2-3711 of the Code of Virginia (1950), as amended.

2. No resolution, ordinance, rule, contract, regulation, or motion agreed to in a Closed Meeting shall become effective until the Commission reconvenes in an Open Session and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

3. At the conclusion of a Closed Meeting, the Commission shall reconvene in Open Session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

a. Only public business matters lawfully exempted from Open Session requirements were discussed; and

b. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

4. The failure of the certification to receive the affirmative vote of a majority of the members present and voting during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

5. The Commission may permit non-members to attend a Closed Meeting if their presence will reasonably aid the Commission in its consideration of an issue. Except as otherwise directed by the Commission, the County Attorney or designated representative and the Director of Planning shall attend all Closed Meetings.

D. Special Meetings. The Commission may hold Special Meetings as it deems necessary, at such times and places as it finds convenient, and may adjourn such special meetings from time to time as it finds convenient and necessary. Special Meetings shall be called and scheduled per § 15.2-2214.

XIV. AGENDA ITEM SUBMISSION

A. All agenda items are due to the Director of Planning for the Commission by COB Tuesday the week before the Commission meeting, with the exception of presentations which are due by COB Monday the week of the meeting.

B. Any person making a written or electronic presentation or demonstrating a matter by way of a picture, slides, or a similar document for inclusion in the record of the hearing shall provide the Director of Planning a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.

C. Copy all files into the "Library/03-Planning/04- Planning Commission" folder (if you do not have access to the county's shared drive, email the materials to planning@fluvannacounty.org).

D. Items can be in <u>any file format</u> (e.g., doc, docx, pdf, ppt, pptx, xls, xlsx)

E. <u>NO</u> paper copies of requested Agenda Items are required.

XV. <u>AGENDA PREPARATION</u>

A. The Director of Planning shall prepare the agenda for meetings.

B. The Director of Planning may at his discretion, and individual Commission members may by request to the Director of Planning, place matters of business on the Agenda according to the schedule in paragraph XIV(A) above for discussion, information and/or action by the Commission as are germane to the affairs and interests of the Commission and County. However, this does not prevent the Director of Planning or Commission members, at their discretion, from having items included which are received after the regular cutoff date.

C. The Director of Planning shall allocate time to items on the agenda to suit the convenience of the Commission.

D. If the Director of Planning considers a requested agenda item not appropriate for consideration by the Commission, he shall inform the Commission for a decision. This does not prevent retaining the item on the agenda by majority consent of the Commission.

F. The Director of Planning shall submit the draft agenda to the Chair on the Wednesday in the week before a regularly scheduled meeting for the Chair's review and approval. Agendas for special or other meetings may have the preparation and approval timeline modified to accommodate the available timeframe.

G. Issues for which actions will be required shall normally have all materials in the Agenda package for advance study.

H. The Commission Agenda and related materials shall be received by each member of the Commission and the County Attorney not later than the Thursday before the scheduled regular meeting. The Director of Planning may request an adjustment to the delivery schedule due to special circumstances.

I. The Director of Planning shall prepare extra copies of the Agenda and shall make the same available to the public and the press in the Office of the County Administrator, the Public Library, and on the County website. The Director of Planning shall also have at least one hard copy available at each regular meeting.

XVI. <u>ORDER OF BUSINESS</u>. The Order of Business shall be as follows unless the Director of Planning in drawing up the Agenda shall find good cause to change it:

1 – Call to Order
2 – Pledge of Allegiance and Moment of Silence
3 – Adoption of Meeting Agenda
4 – Director of Planning's Report
5 – Approval of Minutes
6 – Public Comments #1
7 – Public Hearing
8 – Resolutions
9 – Presentations
10 – Unfinished Business
12 – New Business
13 – Public Comments #2
14 – Closed Meeting (as needed)
15 – Adjourn

XVII. <u>CONDUCT OF BUSINESS</u>

A. <u>Basic Principles</u>: The following principles should be observed at all times in the transaction of public business before the Commission.

1. Only one subject may claim the attention of the Commission at one time.

2. Each item presented for consideration is entitled to full and free discussion.

3. Every member has rights equal to every other member except as to procedural matters within the competence of the Chair.

4. The will of the majority must be carried out, and the rights of the minority must be preserved.

5. The personality and desires of each member should be merged into the larger unit of the Fluvanna Planning Commission.

B. The Commission shall adopt an agenda for each meeting by recorded vote of a majority of the Commission members present and voting. The adoption of the agenda shall be the first item for action following the Call to Order, Pledge of Allegiance, and Moment of Silence.

C. Items shall be heard in order of the Agenda, except as the Commission decides when adopting the Agenda and that the Commission may vote to call up any matter at any time.

D. Except as provided in subsection F. of this Section XIX, the Commission shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Commission members present and voting.

E. The Commission shall consider all items on the Agenda before taking any other items, unless an unlisted item is brought by majority consent of the Commission members present and voting.

F. Items not on the Agenda shall be heard as the final items of the Commission's business, time permitting, or shall be carried over to the next regular meeting or a special meeting as determined by majority consent of the Commission.

G. Exhibits before the Commission shall become the property of the Commission and shall be filed with the Director of Planning and shall be deemed a part of the record of the meeting at which submitted.

H. Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing "Mr. Chair" or "Madam Chair" (as appropriate), stating their name, their address, and awaiting acknowledgment by the Chair. The Chair may permit a dialogue without individual recognition between members of the Commission or between a member and a citizen if such dialogue is orderly and contributes to the expeditious conduct of business.

I. Should it be desired by the Chair, any member, or by the Director of Planning, the member making a resolution shall reduce the same to writing and deliver it to the Director of Planning's Office. The Director of Planning shall take down verbal resolutions as accurately as possible to reflect the intent of the Commission.

J. Prior to initiating a public hearing, the Chair shall recount, either verbatim or by reference, the rules under which the hearing shall be operated, but the Commission may amend the rules during the hearing by giving notice of the change to those gathered (e.g., a change to the time limitation for individual speakers).

K. At the beginning of the public hearing, the Chair shall call upon the Director of Planning or the other staff member handling the matter at hand to present a description of the issue placed before the hearing, or the Chair may do so himself.

L. Subject to revocation or extension by the majority of the Commission assembled, the Chair may in all matters establish a maximum time for consideration of any matter, and/or limit the amount of time available to each speaker**,** including Commission members, on a matter and/or limit the number of times each speaker may address the Commission on a matter. Regardless, every Commission member is entitled to speak on every matter before the Commission and the

call for the question shall not be entertained until all members who wish to exercise this right shall have done so at least once.

M. All members or citizens shall limit their comments before and to the Commission. The Chair may prohibit questions from citizens until a speaker has finished his presentation.

N. The Planning Commission has set forth the following rules for time limits for various agenda items or comments from the public, unless modified by majority consent of the Commission:

1. Individual presentations placed on the Commission's agenda shall be limited to ten (10) minutes in duration.

2. Individual presentations listed under the agenda item "Public Comments" shall be limited to five (5) minutes in duration.

3. Statements from the public during the "Public Hearing" on individual agenda items shall be limited to five (5) minutes.

4. Complete presentations on Commission action items shall be limited to not more than ten (10) minutes.

O. Once a notice for Public Hearing has been advertised (regardless of the nature), the Public Hearing will be conducted, unless the Commission formally defers the matter to a future meeting. The postponement or cancellation of a public hearing shall be as follows:

1. Any public hearing scheduled for a Commission meeting that has been publicly advertised shall not be postponed based on a request from a non-County government entity or person absent extreme mitigating circumstances. The Chair, with concurrence of the Director of Planning, will determine when such circumstances exist. If mitigating circumstances exist, the petitioner will bear any cost incurred by the County in providing public notification of the change and for the cost of advertising the new date of the hearing.

2. The Chair, with the concurrence of the Director of Planning shall have the authority to postpone a public hearing based on the weather or other extraordinary circumstances.

3. In all cases, County staff will ensure all Commission members are provided timely notification of schedule changes. Further, staff will ensure the public and general news media are notified of changes to schedules which have been announced in public. The public hearing shall be rescheduled, if appropriate, and advertised as required by law.

XVIII. <u>ORDER AND DECORUM</u>

A. It shall be the duty of the Chair to maintain order and decorum at meetings. The Chair shall speak to points of order in preference to all other members.

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by majority vote of the Commission members present and voting.

C. All comments by members of the public during any Public Hearing must be germane to the purpose of that Public Hearing. All comments by members of the public during any Public Comment period must be germane to the services or policies of the County. When providing comments, members of the public are not permitted to campaign for public office and shall not promote private businesses or address pending litigation.

D. No member or citizen shall be allowed to use of any profane, vulgar, obscene, abusive, defamatory, disruptive, or threatening speech, and doing so may result in removal from the meeting. No member or citizen shall use language of a personal nature which insults or demeans any person or which, when directed at a public official or County staff, is not related to his or her official duties.

E. All speakers shall be respectful of other opinions and viewpoints expressed at the meeting, and the audience shall not make audible expressions of support (i.e. applause) or of opposition (i.e. booing) during meetings.

F. Speakers should strive to avoid repetitive comments. Simple statements of endorsement of previous speakers are appropriate.

G. Speakers should address all comments to the Planning Commission and not the audience.

H. The Chair shall be the judge of all breaches of order and decorum; however, the Commission may by majority vote of the Commission members present and voting opt to overrule the judgement of the Chair. When any person engages in such breaches, the Chair may order that person to stand silent, to be removed from the building, or to be removed from County property.

XIX. MOTIONS

A. Motions by Commission members shall require a second.

Exceptions. The following do not require a second:

- To Raise a Question of Privilege
- Questions of Order

- Objection to the Consideration of a Question
- Call up Motion to Reconsider
- Nominations
- Leave to Withdraw a Motion
- Inquiries of any kind

B. Motions shall not be formally discussed prior to being duly seconded.

C. After a motion is properly made and seconded, the Chair shall restate the motion and open the floor to discussion.

D. The Chair shall routinely refrain from making or seconding motions in order to fairly and impartially preside over the Commission deliberations and discussion. In any case, the Chair shall not make or second a motion without first temporarily surrendering the chair to the Vice Chair, if present and willing to temporarily accept the gavel, or to another member present and willing to temporarily accept the gavel. In such event, he should not resume the chair until the motion is decided.

E. A maker of a motion may not speak against his motion.

F. The Chair shall call for and cause the vote to be recorded after the motion is properly made before the Commission, has been seconded, and has been duly discussed. Any member believing a motion has been duly discussed may move or call for the previous question. Such motion shall not be debatable. However, if any member objects, the Chair shall call for a vote on the motion calling for the previous question. If that motion carries, the Chair shall proceed to call for the vote on the motion before the Commission. If the motion calling for the previous question is defeated, the debate on the main motion shall continue.

G. A substitute motion may be made by any member to any motion properly on the floor. Once seconded, the substitute motion shall take precedence and all debate or action on the existing motion shall cease until the substitute motion is decided. Debate on a substitute motion is permissible. If the substitute motion is passed by a majority vote of the members then present and voting, the original motion is supplanted by the substitute motion. A second substitute motion can be made only after the first substitute motion is decided by vote of the Commission.

H. When a motion is made and then cannot obtain a second, the motion will die for lack of a second and does not require a vote. However, in the event that a motion which is not seconded is nevertheless voted on by the Commission and passes by a majority of the members present and voting, the failure of a second shall not invalidate the adoption of such motion.

I. <u>Defeated Motions</u>

1. <u>Same Meeting</u>: A defeated motion can be brought back for consideration at the same meeting if the members present agree to do so by a majority vote. Only a member who voted

on the prevailing side may make the motion to reconsider the issue. The rule restricting renewal of a motion in the same session does not apply to a motion that died for lack of a second.

2. Subsequent Meeting: Except as otherwise provided by law, a defeated motion that is still applicable can be re-introduced at a subsequent meeting as new business (under the normal process for new business).

XX. VOTING

A. All Actions of Record must be approved by vote unless there is unanimous consent.

B. When the question is called and there is no dispute, the Chair shall call for the vote.

C. Whenever any member wishes to abstain from voting on any question, he shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., and his abstention shall be announced by the Chair and recorded by the Director of Planning.

D. The Chair's vote on all issues before the Commission shall be recorded with the prevailing side, unless the Chair clearly votes otherwise.

E. The Director of Planning shall record the name of each member voting and how he voted.

F. A tie vote fails. The Commission does not designate a tiebreaker.

G. Except as otherwise provided by law, motions shall be carried by a majority of the members present and voting in the affirmative.

XXI. RECORDING OF MEETINGS. The Clerk of the Commission or another person acting in that capacity shall electronically record each regular meeting. These recordings are the property of Fluvanna County and are public records as provided by the Virginia Freedom of Information Act. Interested persons may listen to the recordings on the County website or may obtain copies of the recording by making appropriate arrangements with the Director of Planning's office. Costs will be borne by the person making the request.

XXII. AD HOC COMMITTEES. There will be no standing committees. Ad hoc committees will be appointed by the Chair, as needed. Constitutional Officers may be appointed to committees.

XXIII. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY PLANNING COMMISSION AT MEETINGS OF THE COMMISSION

A. AUTHORITY AND SCOPE

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.

2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.

3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. DEFINITIONS

1. "Caregiver" means a caregiver as defined by Va. Code § 2.2-3701.

2. "Member" means any member of the Planning Commission.

3. "Remote participation" means participation by an individual member of the Commission by electronic communication means in a public meeting where a quorum of the Commission is physically assembled, as defined by Va. Code § 2.2-3701. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver as defined in Va. Code § 2.2-3701 and uses remote participation counts toward the quorum as if the individual was physically present.

4. "Meeting" means a meeting as defined by Va. Code § 2.2-3701.

5. "Notify" or "notifies," for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.

6. "VFOIA" means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

1. A quorum of the Commission must be physically assembled at the primary or central meeting location; and

2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

3. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.

D. PROCESS TO REQUEST REMOTE PARTICIPATION

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance, (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.

3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.

4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Commission has assembled for the meeting, the Commission shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. RECORDING IN MINUTES

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or the member is a caregiver who must provide care for a person with a disability, or because the member's principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Commission's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.

2. If the member is allowed to participate remotely due to a personal matter, the Commission shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Commission's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.

3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. CLOSED SESSION

If the Commission goes into closed session, the member may continue to participate remotely in the closed session, and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters

that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. MEETINGS HELD THROUGH ELECTRONIC COMMUNICATION MEANS DURING DECLARED STATES OF EMERGENCY

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:

a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;

b. Make arrangements for public access to such meeting through electronic communication means;

c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;

d. Otherwise comply with the provisions of the Code of VFOIA; and

e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

J. Nothing in this Section XXIV shall be construed to prohibit the use of interactive audio or video means to expand public participation.

XXIV. <u>RULES</u>

A. The bylaws may be suspended at anytime by a majority vote of the Commission.

B. The bylaws may be amended by a majority vote of the Commission, but only at the regular meeting next held after the proposed amendment has been announced at a regular meeting.